

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NOAM EISEN, et al.,
Plaintiffs,

v.

EMILY DAY,
Defendant.

AND RELATED COUNTERCLAIMS

Case No. 21-cv-05349-VKD

**ORDER TO SHOW CAUSE RE
VIOLATION OF ADR LOCAL RULE
7-4**

Re: Dkt. No. 108

On November 15, 2023, plaintiff and counter-defendant Noam Eisen filed an opposition (Dkt. No. 108) to defendant and counter-claimant Emily Day's motion for leave to file an amended complaint (Dkt. No. 106). Mr. Eisen's opposition includes representations regarding the parties' communications and positions during settlement conferences with Magistrate Judge Beeler to which Ms. Day objects. *See* Dkt. No. 108 at 4; Dkt. No. 108-1 ¶ 7; Dkt. No. 109 at 2.


ADR Local Rule 7-4 requires parties and counsel to treat information exchanged during settlement conferences as confidential and to refrain from disclosing this information to the assigned judge, subject to certain exceptions. *See* ADR L.R. 7-4; *Shields v. Fed'n Internationale De Natation*, No. 18-CV-07393-JSC, 2022 WL 298575, at *2-3 (N.D. Cal. Feb. 1, 2022).

Accordingly, Mr. Eisen is ordered to show cause why the Court should not impose monetary or other sanctions against him and/or his counsel for disclosing confidential information in violation of ADR Local Rule 7-4. A written response to this Order must be filed by **December 8, 2023**.

The Court will hold a hearing on this Order to Show Cause on **December 19, 2023 at 10:00 a.m.** in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California 95113.

IT IS SO ORDERED.

Dated: November 29, 2023



VIRGINIA K. DEMARCHI
United States Magistrate Judge